

HAGUE TRIBUNAL AND ITS DECISION ELUCIDATED.

**Samuel J. Elder Showed Clearly How
Victory Was For United States.**

**Cleared Up Many Points on Which
Some Differed.**

Hon. Samuel J. Elder, to a goodly audience at City hall last evening, told the story of the North Atlantic coast fisheries arbitration at The Hague and explained the award on each of the seven points. Mr. Elder had a most receptive gathering of hearers, in a way a very critical audience, as most of those present were vessel owners, master mariners, fishermen or men closely connected with Gloucester's leading industry, but the great legal light from the Hub handled his difficult subject with ease and sent his hearers home with a feeling in their own minds that they had not only taken a

salient points and showing to them how much truth there was in the statement that "the United States lost."

Large Delegation of Master Mariners Attended Reception.

Previous to his talk, Mr. Elder, who came to the City hall after being entertained at dinner by Collector William H. Jordan, held a brief reception in the mayor's room where he met a large delegation of the Master Mariner's Association headed by Capt. George H. Peeples, the president of the organization, who later were seated with him on the stage and also many of the leading citizens.

Mr. Elder was introduced to those who came to the reception by President Thomas J. Carroll of the Board of Trade, who also presided at the meeting in the hall above, to which Mr. Elder was escorted by the committee from the Master Mariners Association, who took seats on the platform with him.

Mr. Elder was cordially greeted as he arrived on the platform, and after his appropriate introduction by Mr. Carroll received another round of applause which lasted for quite a while. After it was subsided he thanked his hearers for the warmth of their reception and plunged at once into his speech.

Praised Work of His Associates in the Case.

In opening he referred to the work of his brother legal lights on the United States side of the case and said that he could not speak in too high terms of their labors. Of Senator Root's great effort he spoke in the highest terms, at the same time paying to Messrs. Turner and Warren their meed of praise for placing the flag of the United States contentions way out in the forefront, making the opening in the United States argument and making the chance for Senator Root's grand presentation.

He spoke very highly of the work of A. B. Alexander, Capt. Carl C. Young and Arthur L. Millett, the three Gloucester men who were in attendance at the case.

Formation of the Court and Presentation of the Case.

Mr. Elder told of the work incident to the preparation and presentation of the case and also explained how the contentions of each side, their cases and documentary references were exchanged previous to the opening of the case and also sent to the members of the Tribunal, so that at the opening of the oral arguments all were acquainted with the main contentions and documentary evidence on which each side relied to prove its case.

trip to The Hague and heard the arbitral court in session, but that they had also delved deep into the musty records of both the United States state department and the British foreign office and read innumerable state papers regarding the case.

Mr. Elder concealed nothing, held nothing back, but told the whole story and held his audience for nearly one hour and three-quarters intent on his words and thoroughly interested. His was a masterly presentation, a splendid summing up of the great case, giving to his hearers the

Before proceeding to the elucidation of each of the seven questions, Mr. Elder, told how the permanent court of arbitration at The Hague was formed and gave an idea of what the work of preparation of the case in point meant by stating that the printed cases, counter cases and appendices amounted to over 5000 pages—this before the oral argument was entered upon.

He spoke in the highest terms of the distinguished men who composed the court, and told of their splendid command of the English language, though one was from Argentine Republic, another from the Netherlands and another from Austria.

Rights of Fishermen in Bays on Treaty Coast.

In speaking to the different questions he first took up question six, one of the questions which Sir Robert Bond had insisted should be placed in the list to be decided, namely his claim that the United States had no right to enter the bays on the treaty coast of Newfoundland. On this point Mr. Elder explained the peculiar wording of the treaty, which however was perfectly plain to the Tribunal, and showed that it was the idea to simply "freeze" the United States out of its bait and winter herring fishery rights by keeping them out of the bays. This point, if carried by the British, would have meant practically the loss of the greater part of all that was worth anything to the American fishermen on the treaty coast. It was an innocent question to first look at, but when it came to be contemplated its full significance was only too apparent. Had it been carried for the British contention then the boast of Sir Robert Bond that the bank fishery of the American fishermen could be destroyed because the Americans could not get bait at Newfoundland and that Newfoundland was in reality "mistress of the northern seas" would have been realized.

Mr. Elder, at this point, gave a brief history of conditions in the western hemisphere, previous to the signing of the treaty of 1818 and showed how prominent a part the question of the fisheries played in the national legislation of that day, both of England, the United States and France.

England Did Not Present Headland Theory Regarding Bays.

Next in the list of questions he took up number five that relating to bays. The first trouble in this line came in 1836, when the mackerel, seeming to desert the New England shore to a considerable extent, showed in large quantities in the Bay of Fundy. There the American vessels followed them and were warned off and several seizures followed. It was then that the British "headland" theory was advanced and insisted on. But in 1853 Great Britain abandoned the headland

theory, two seizures which had been made under this contention having been decided against them by a referee. Since that time Great Britain had not asserted the headland theory. Before the Tribunal Great Britain made no contention and the Tribunal sustained no such contention. The question was "from where shall be measured the three marine miles, etc., inside of which our vessels were allowed to fish." In the treaty the word "bays" must certainly mean something.

Our contention was that the word meant a bay within His Majesty's jurisdiction and that from our three miles from shore contention, a bay of six miles in width, which could be policed by cannon from the shore, was what was meant by the negotiators of the treaty, or was what they had in mind.

But the British lawyers reminded us of the fact that we had claimed jurisdiction over Delaware bay, 140 miles long and 21 miles across and Chesapeake bay, which is still larger. They also reminded us that the supreme court of Massachusetts had decided that Massachusetts bay, from Cape Ann to Cape Cod, was a closed bay. We, in turn, claimed that these were exceptional cases and that time-bodies of water which were bodies of water, bays, by assertion of jurisdiction and acquiescence of the powers and cited the case of Great Britain's control over the British Channel.

Decision Was Accompanied with a Recommendation.

England did not once claim the headland theory, but they did claim that when the treaty said "bays," it meant simply bays as shown on the charts and maps of the time-bodies of water which were known as bays. And that was what the Tribunal decided. They said a bay was a bay so long as it had the configuration of a bay. The Tribunal, however, realized that it was not giving practically useful answers to the question, so it recommended that both powers should adopt the idea of the Great Britain and France agreement, the Great Britain and North German confederation and the North sea agreements, all of which take ten miles as being the limits of a bay.

The recommendation is right in accord with the trend of public thought and the ideas of the times and would no doubt be adopted by both nations. Some bays were excepted from the ten mile provision and their limits fixed definitely.

The Newfoundland Foreign Fisheries Act.

Taking up question one Mr. Elder said that down here it was felt that the Newfoundland foreign fishing vessels act of 1905 had discriminated against the American fishermen and that the regulations were made to help the native shore fishermen as against the vessel fishermen from this country. The question for us was how to get reasonable regulations. Question one went farther than this and claimed that the regulations were not proper unless made by Great Britain and the United States together and unless the United States concurred in the enforcement of the same. This was giving us a hand in the making and enforcing of the laws in British jurisdiction.

Our contention was that the treaty of 1818 created an international servitude. It had been said that the United States claimed more than it expected to get. This is not so. We believed in the doctrine of international servitudes and presented it in good faith. Great Britain was much disturbed, and said this affected her sovereignty and called our position grasping and extreme and their argument on question one was raised around that question of loss of sovereignty.

Neither Newfoundland Nor Great Britain Sole Judge of Regulations.

The court decided that Great Britain retained its sovereignty and could pass laws which would be binding on United States fishermen. But under the terms of submission and on account of some statements made by counsel for Great Britain, the Tribunal added that Great Britain could not pass these laws unless they were reasonable or necessary for the preservation of the fisheries, or of law and order, or equitable between American and British fishermen.

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Whether Great Britain or Newfoundland can be the sole judge of what is reasonable, equitable or necessary, for the tribunal decided that all regulations should be published in both countries for two months and should the United States object to the regulation or regulations in question they should not go into effect until passed upon by the commission, whose appointment was provided for by the tribunal. Therefore the United States practically has a chance to have its say on every regulation provided by Newfoundland or Great Britain governing the fisheries on the treaty coast. Beside this, because of a motion passed by the tribunal, the present regulations will also be submitted to a commission to see if they come within the requirements of reasonableness etc, as enumerated above.

Other Questions on Which United States Won Clean Victories.

Mr. Elder then took up very briefly questions two, three, four and seven, all of which, with question six, he argued with such effect before the tribunal as to gain for the United States clean cut victories on each and every one of them and closed by referring to the attitude of both Great Britain and the United States in taking this most exasperating matter, which had twice brought the countries to the verge of war, before The Hague tribunal for peaceful settlement, thus setting to the nations of the world a grand example for the arbitral settlement of international disputes. He termed it, as indeed it was, the longest step forward in this great peace movement that the world had ever witnessed.

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RETURNED FROM THE HAGUE.

A. B. ALEXANDER MADE STUDIES OF FISHERY METHODS IN HOLLAND AND ENGLAND.

A. B. Alexander, chief of the division of statistics of the Bureau of Fisheries, has returned from Europe, arriving at Boston Thursday on the liner Cymric, the craft having been delayed 12 hours by bad weather.

Mr. Alexander went to The Hague last summer during the recent fisheries case, with Capt. Carl C. Young as advisors to Dr. Hugh M. Smith, deputy commissioner of Fisheries of the United States, who was chosen to serve on the commission to consider and report on the Newfoundland fishery regulations.

Since the closing of the case Mr. Alexander has been making a careful study of fisheries methods and conditions at the fishing ports of Holland and England. The result of his observations and investigations will later be the subject of an exhaustive report to be published by the Bureau of Fisheries and which will be most interesting and informing document.

Mr. Alexander arrived last night and will stay here for a few days before taking up his duties at Washington. He is being happily greeted by his many friends, who are glad to see him home.

MUCH FISH AT PORTLAND.

Wednesday's Receipts Totalled About 190,000 Pounds.

The fish dealers on Commercial and Central wharves certainly put in a busy day Tuesday taking care of the immense quantities of fish offered, the receipts having been the largest for any one day in many months. Counting the odd lots by the boat fishermen the aggregate of the catch brought in yesterday footed up about 190,000 pounds, an amount seldom exceeded in any one day in the fish records of this port. The larger part of the catch was hake, which sells lower than the average ground fish, but for cod and haddock the dealers paid five cents per pound. Several of the schooners will probably not land their fish here, but will proceed to Boston, where the ruling prices the past two days have been higher than those at this port.

The following schooners arrived Wednesday, with the amount of their catch:

Flavilla, 30,000 pounds; Edmund F. Black, 14,000 pounds; Albert D. Willard, 8000 pounds; George H. Lube, 25,000 pounds; Angie B. Watson, 6000 pounds; Hockomock, 6000 pounds; Lechinvar, 25,000 pounds; Mary E. Sinnett, 10,000 pounds; Watauga, 5000 pounds; Margaret Dillon, 15,000 pounds; Mary Edith, 18,000 pounds; Fanny Reed, 5000 pounds; Pontiac, 16,000 pounds. Total, 183,000 pounds.

Over 1200 Barrels of Herring Also Landed.

One hundred more barrels of large herring were brought into Portland harbor Wednesday by the fishermen. These were secured outside the bay and proved about the most welcome fish that have been received there in some time. They were taken to the plant of the Portland Cold Storage Co. and were there taken out. With the appearance of a few large herring Tuesday and a hundred barrels more Wednesday, the fishermen are of the opinion that they must have struck in for fair.

Other herring days have been large, but Wednesday was the king day of them all. In all, there were over 1200 barrels of herring landed at the three places where they are being taken out, with Union wharf leading with around 800 barrels. About every craft that has previously been engaged in the industry and a lot more that have just started in were in with a fare of greater or less proportions. A ready market was found for all the fish and as there has been a respite for a few days, there were barrels enough to handle the immense quantity.

All the fishermen reported that they had a rather bad night of it. They have been waiting for the moon to get old so it would be dark, and it was plenty dark enough on the water Tuesday evening, with a thunder storm raging. It was somewhat blowy, too, so that all in all, the fishermen were glad when they got their fares all on board and could go home for the balance of the night.

The steamer Geisha brought in about 150 barrels, the trip having been made in spite of the fact that while running for the Foreside Tuesday night her engine became disabled, and her mainmast was broken while hauling in fish. Repairs were made at the Portland Company Wednesday and the steamer was out again on the Foreside last night.

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Portland Fish Notes.

The appearance of Central wharf Thursday was a decided contrast to that of the day before, the dozen or more fishermen who were hugging the wharf Wednesday all having gone to sea.

Schs. Mary Edith, Margaret Dillon, Pontiac and George H. Lube, which brought in about 75,000 pounds of mixed fish the day before, did not take out their catches, but started out early Thursday for the fishing grounds to make one more setting, when they will probably proceed to Boston to sell.

Sch. Laura and Marion, Capt. Eastman, arrived at Portland Thursday from Cundy's harbor on her way to Gloucester with 1200 quintals of fish. The schooner Mabel, Capt. Fides, also came in from Harpswell.

Herring receipts continue light, only about 250 barrels being landed Thursday, but most of them were of the size desired by the packers. Complaint has been made that some of the fishermen are throwing over dead herring, which tends to pollute the water and drive the fish away, and special fish wardens are now on duty nights in the upper bay to see that the fishing is carried on in the manner prescribed by law.

MARKET FISH STILL SHORT.

NINE OF FOURTEEN ARRIVALS AT T WHARF TODAY BROUGHT POLLOCK.

Since last report there have been 14 arrivals at T wharf with fresh fish and of these, nine were pollockers, so the supply of market fish is short indeed, there being less than 30,000 pounds of cod and haddock all together.

There was some more hake than that and the pollock trips run from 5000 to 19,000 pounds. Prices could not be sneezed at for haddock sold for \$4.25 and \$5 per hundred weight, with large cod at the five dollar mark. Large hake were up, selling at \$3.10, the small ones going at \$1.25 and pollock at \$1.50.

The fares and prices in detail are:

Boston Arrivals.

Sch. Appomattox, 10,000 pollock.
Sch. Valentinn, 18,000 pollock.
Sch. Wm. H. Rider, 13,000 pollock.
Sch. Richard J. Nunan, 3000 haddock, 1000 cod, 2000 hake, 1500 cusk.
Sch. Mary Edith, 1000 haddock, 1000 cod, 30,000 hake, 2000 cusk.
Sch. W. H. Clements, 2500 cod.
Sch. Mary A. Gleason, 15,000 pollock.
Sch. Viking, 14,000 pollock.
Sch. Winifred, 19,000 pollock.
Sch. Jubilee, 10,000 pollock.
Sch. Massasoit, 9000 pollock.
Sch. Marguerite, 5000 pollock.
Sch. Mattakesett, 4500 haddock, 1400 cod, 5000 hake.
Sch. Terra Nova, 12,000 haddock, 2500 cod, 20,000 hake.
Haddock, \$4.25 to \$5 per cwt.; large cod, \$5; market cod, \$4; hake, \$1.25 to \$3.10; pollock, \$1.50.

CODFISH STILL ON THE RISE.

FARE OF SCH. STILETTO SOLD AT INCREASED PRICES AFTER LIVELY BIDDING.

Codfish, both fresh and salt, continue to ascend, and some of the flying machines at the aviation meet have nothing on some of the dealers who are bidding the fish up higher and higher. Yesterday afternoon the fare of eastern salt cod of sch. Stiletto, which arrived in the morning from a shack trip, sold to Henry E. Pinkham for \$4.37 1-2 per hundred weight for large, \$4 for mediums and \$3 for snappers on the salt fish and \$2.50 for large, \$1.80 for mediums and 80 cents for snappers on the fresh.

As the fare of sch. John Hays Hammond, the last previous outside sale, went to the Cunningham & Thompson Company at a price which was private and not given out, but was said to be an advance on the sale before, the exact amount of the raise cannot be stated on the salt fish, but figured by the sale before the trip of the Hammond it is a raise of 12 1-2 cents on the large, the same amount for the mediums and 25 cents on the snappers. On the fresh fish the raise over last sales is five cents on the mediums, and five cents also on the snappers. The bidding on the trip is quite spirited.

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Fishing Fleet Movements.

Sch. Senator Saulsbury arrived and cleared at Liverpool on Wednesday.
Schs. Elsie, Rex and Bohemia arrived at Canso on Wednesday.
Sch. Arthur D. Story arrived at Shelburne on Wednesday.
and of these, nine were pollockers, so Sch. Georgia was at Halifax on Wednesday.

Newfoundland Salt Herring Trip.

Sch. Independence II. has fitted for a Newfoundland salt herring trip and sailed this morning under command of Capt. George H. Peeples.

TWO SEINERS YET TO COME.

SCH. RALPH L. HALL WITH 100 BBLs. MACKEREL ONLY ARRIVAL TODAY.

The week ends with arrivals still very scarce. The only arrival here since last report is sch. Ralph L. Hall, from the North Bay seining, with 100 barrels of salt mackerel. Only two of the seiners now remain to arrive, sch. Georgia with 112 barrels and sch. Arthur James, which at last report, had about 40 barrels.

The herringers are doing well and this morning the traps, torchers and netters, altogether had about 300 barrels.

The arrivals and receipts in detail are:

Today's Arrivals and Receipts.

Sch. Ralph L. Hall, North Bay, seining, 100 bbls. salt mackerel.
Torchers and traps, 300 bbls. fresh herring.

Vessels Sailed.

Sch. Independence II., Newfoundland salt herring trip.
Sch. Harriet, haddocking.
Sch. W. H. Moody, Georges handlining.
Sch. Alice, haddocking.
Sch. Mary E. Cooney, haddocking.
Sch. Helen B. Thomas, haddocking.
Sch. Ida S. Brooks, haddocking.
Sch. Clara G. Silva, haddocking.
Sch. Frances P. Mesquita, haddocking.
Sch. Mary B. Greer, haddocking.
Sch. Edith Silveira, haddocking.
Sch. Gladys and Nellie, haddocking.
Sch. Stranger, haddocking.
Sch. Thomas S. Gorton, haddocking.
Sch. Leo, haddocking.
Sch. Rhodora, haddocking.
Sch. Manomet, haddocking.
Sch. Flora J. Sears, haddocking.
Sch. Hortense, haddocking.
Sch. Thomas J. Carroll, haddocking.
Sch. Belbina P. Domingoes, haddocking.
Sch. Rita A. Viator, haddocking.
Sch. Motor, shore.
Sch. Priscilla, shore.
Sch. Reliance, shore.
Sch. Little Fannie, shore.
Sch. Patriot, pollocking.
Sch. Almeida, pollocking.
Sch. Hattie L. Trask, pollocking.
Sch. Galatea, pollocking.
Sch. Emily Sears, pollocking.
Sch. Actor, pollocking.
Sch. Fitz A. Oakes, pollocking.
Sch. Julietta, pollocking.
Sch. A. C. Newhall, shore.
Sch. Marsala, Georges.

Today's Fish Market.

Handline Georges cod, large, \$4.25 per cwt.; medium, \$3.50.
Trawl Georges cod, large, \$3.75 per cwt.; medium, \$3.25.
Trawl bank cod, large \$4.25, mediums \$3.87 1-2, snappers \$2.75.
Drift Georges cod, large, \$4 per cwt.; medium, \$3.50.
Eastern double dory salt handline cod, \$3.87 1-2 per cwt. for large and \$3.55 for mediums.
Bank halibut 11 cents per lb. right through for white and gray.
Salt cusk, large, \$2.50 per cwt.; medium, \$2.
Salt haddock, \$1.25 per cwt.
Salt hake, \$1.25 per cwt.
Salt pollock, \$1.25 per cwt.
Dory handline cod, \$4.50 per cwt. for large, \$4.10 for mediums and \$3.25 for snappers.
Swordfish, 14 cts. per lb.
Splitting prices for fresh fish:
Western cod, large, \$2.25 per cwt.; medium, \$1.75.
Eastern cod, large, \$1.90 per cwt.; medium, \$1.55; snappers, 60 cts.
Western bank cod, large, \$2.50 per cwt.; medium, \$1.75; snappers 75 cts.
Cusk, large, \$1.65 per cwt.; medium, \$1.25; snappers, 50 cts.
Haddock, \$1.10 per cwt.; hake, \$1.25 per cwt.; dressed pollock, 75 cts. per cwt.; round pollock, 70 cts. per cwt.